

SPECIAL VERDICT NO. 3

SPECIAL VERDICT NO. 4

- a. DID PLA'NTIFF HAVE THE FINANCIAL AND TECHNICAL  
CAPABILITIES TO CONSTRUCT AND OPERATE A CABLE  
TELEVISION SYSTEM IN THE SACRAMENTO METROPOLITAN  
AREA?

YES X NO

SPECIAL VERDICT NO. 5

(Not Given)

a. ~~DOES THE CONSTRUCTION AND OPERATION OF A CABLE  
TELEVISION SYSTEM INVOLVE THE USE OF PUBLIC  
RIGHTS OF WAY?~~

~~YES \_\_\_\_\_ NO \_\_\_\_\_~~

b. ~~IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES," IS  
IT PROPER FOR DEFENDANTS TO REQUIRE THAT A CABLE  
COMPANY PAY FOR THE USE OF PUBLIC RIGHTS OF WAY?~~

~~YES \_\_\_\_\_ NO \_\_\_\_\_~~

c. WERE THE PAYMENTS EXCESSIVE?

YES \_\_\_\_\_ NO \_\_\_\_\_

SPECIAL VERDICT NO. 6

- a. IS THE CAPACITY OF THE PUBLIC RIGHTS OF WAY AND UTILITY EASEMENTS IN THE SACRAMENTO METROPOLITAN AREA LIMITED TO ANY SIGNIFICANT DEGREE? IN OTHER WORDS, DID THE RIGHTS OF WAY AND EASEMENTS LACK SUFFICIENT ROOM FOR ALL CABLE COMPANIES WHO EITHER WANTED TO USE THEM OR MIGHT WANT TO USE THEM IN THE FUTURE?

YES \_\_\_\_\_ NO X

SPECIAL VERDICT NO. 7

- a. DOES THE CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM CAUSE SIGNIFICANT DISRUPTION IN THE USE OF PUBLIC PROPERTY?

YES \_\_\_\_\_ NO X

- b. IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES," DID DEFENDANTS' USE OF THE RFP PROCESS RESULT IN LESS DISRUPTION THAN WOULD OCCUR WITHOUT THE RFP PROCESS?

YES \_\_\_\_\_ NO \_\_\_\_\_

- c. WAS "DISRUPTION AND INCONVENIENCE" A SHAM USED BY DEFENDANTS AS A PRETEXT FOR JUSTIFYING THEIR RFP PROCESS?

YES \_\_\_\_\_ NO X

SPECIAL VERDICT NO. 8

- a. DOES THE CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM CAUSE SIGNIFICANT SAFETY HAZARDS TO BOTH THE PUBLIC AND WORKERS?

YES        NO X

- b. IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES," DID DEFENDANTS' USE OF THE RFP PROCESS RESULT IN FEWER SAFETY HAZARDS THAN WOULD OCCUR WITHOUT THE USE OF THE RFP PROCESS?

YES        NO       

- c. WAS "SAFETY HAZARDS" A SHAM USED BY DEFENDANTS AS A PRETEXT FOR JUSTIFYING THE RFP PROCESS?

YES        NO X

SPECIAL VERDICT NO. 9

- a. DOES THE CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM SIGNIFICANTLY INTERFERE WITH THE ABILITY OF SACRAMENTO RESIDENTS TO USE THEIR PRIVATE PROPERTY?

YES \_\_\_\_\_ NO X

- b. IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES," DID DEFENDANTS' USE OF THE RFP PROCESS RESULT IN LESS INTERFERENCE WITH PRIVATE PROPERTY THAN WOULD OCCUR WITHOUT THE RFP PROCESS?

YES \_\_\_\_\_ NO \_\_\_\_\_

- c. WAS "INTERFERENCE WITH ABILITY TO USE PRIVATE PROPERTY" A SHAM USED BY DEFENDANTS AS A PRETEXT FOR JUSTIFYING THEIR RFP PROCESS?

YES \_\_\_\_\_ NO X

SPECIAL VERDICT NO. 10

- a. DOES THE CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM CAUSE ANY OF THE FOLLOWING TO A SIGNIFICANT DEGREE: NOISE, VISUAL CLUTTER, ENVIRONMENTAL AND/OR AESTHETIC PROBLEMS?

YES \_\_\_\_\_ NO X

- b. IF YOUR ANSWER TO THE PREVIOUS QUESTION IS "YES," DID DEFENDANTS' USE OF THE RFP PROCESS RESULT IN FEWER OF THESE IMPACTS THAN WOULD OCCUR WITHOUT THE USE OF THE RFP PROCESS?

YES \_\_\_\_\_ NO \_\_\_\_\_

- c. WAS "NOISE, VISUAL CLUTTER, AND/OR OTHER ENVIRONMENTAL AND AESTHETIC IMPACTS" A SHAM USED BY DEFENDANTS AS A PRETEXT FOR JUSTIFYING THEIR RFP PROCESS?

YES \_\_\_\_\_ NO X



SPECIAL VERDICT NO. 11  
(Not Given)

a. ~~DOES THE CONSTRUCTION AND OPERATION OF A CABLE  
TELEVISION SYSTEM CREATE SIGNIFICANT ADMINISTRATIVE  
OR REGULATORY BURDENS FOR GOVERNMENT? (BURDENS ARE  
"SIGNIFICANT" IF THEY ARE GREATER THAN THOSE WHICH  
WOULD OCCUR USING THE ENCROACHMENT PERMIT PROCESS.)~~

YES \_\_\_\_\_ NO \_\_\_\_\_

b. ~~IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES,"  
DID DEFENDANTS' USE OF THE RFP PROCESS PROVIDE A  
MORE EFFECTIVE MEANS OF MINIMIZING THE BURDENS THAN  
THE ENCROACHMENT PERMIT PROCESS?~~

YES \_\_\_\_\_ NO \_\_\_\_\_

c. ~~WAS "ADMINISTRATIVE AND REGULATORY BURDENS" A SHAM  
USED BY DEFENDANTS AS A PRETEXT FOR JUSTIFYING  
THEIR RFP PROCESS?~~

YES \_\_\_\_\_ NO \_\_\_\_\_

SPECIAL VERDICT NO. 12

- a. IS "HEAD-TO-HEAD" COMPETITION AMONG CABLE TELEVISION SYSTEMS UNLIKELY TO OCCUR AND ENDURE IN THE SACRAMENTO MARKET? IN OTHER WORDS, IS CABLE TELEVISION A "NATURAL MONOPOLY" IN THE SACRAMENTO MARKET?

YES \_\_\_\_\_ NO X

- b. IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES," ARE THERE FEWER ADVERSE EFFECTS ASSOCIATED WITH HAVING A SINGLE PROVIDER OF CABLE TELEVISION AS A RESULT OF THE RFP PROCESS THAN THERE WOULD BE IN THE ABSENCE OF THE RFP PROCESS?

YES \_\_\_\_\_ NO \_\_\_\_\_

- c. WAS "NATURAL MONOPOLY" A SHAM USED BY DEFENDANTS AS A PRETEXT FOR GRANTING A SINGLE CABLE TELEVISION FRANCHISE?

YES X NO \_\_\_\_\_

- d. WAS "NATURAL MONOPOLY" A SHAM USED BY DEFENDANTS TO PROMOTE THE MAKING OF CASH PAYMENTS AND PROVISION OF "IN KIND" SERVICES BY THE COMPANY ULTIMATELY SELECTED TO PROVIDE CABLE TELEVISION SERVICE TO THE SACRAMENTO MARKET?

YES X NO \_\_\_\_\_

- e. WAS "NATURAL MONOPOLY" A SHAM USED BY DEFENDANTS TO OBTAIN INCREASED CAMPAIGN CONTRIBUTIONS FOR LOCAL ELECTED OFFICIALS?

YES X NO \_\_\_\_\_

SPECIAL VERDICT NO. 13

- a. DOES THE PUBLIC AS A WHOLE BENEFIT FROM EQUAL AND  
UNIFORM CABLE TELEVISION SERVICE THROUGHOUT THE  
SACRAMENTO COMMUNITY?

YES X NO       

- b. DID THE RFP PROCESS ENCOURAGE EQUAL AND UNIFORM  
CABLE TELEVISION SERVICE TO A GREATER DEGREE THAN  
WOULD BE ACHIEVED IN THE ABSENCE OF THE RFP PROCESS?

YES X NO       

- c. WAS "EQUAL AND UNIFORM CABLE TELEVISION SERVICE"  
A SHAM USED BY DEFENDANTS AS A PRETEXT FOR  
JUSTIFYING THEIR RFP PROCESS?

YES        NO X

SPECIAL VERDICT NO. 14

- a. DOES THE PUBLIC AS A WHOLE OBTAIN SIGNIFICANT BENEFITS FROM ANY OF THE FOLLOWING: ACCESS CHANNELS, PRODUCTION FACILITIES, TECHNICAL ASSISTANCE AND GRANTS?

YES X NO       

- b. DID THE RFP PROCESS ENCOURAGE THE PROVISION OF THESE KINDS OF RESOURCES TO A GREATER EXTENT THAN WOULD BE PROVIDED IN THE ABSENCE OF THE RFP PROCESS?

YES X NO       

- c. IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES," WERE DEFENDANTS MOTIVATED TO PROVIDE SUCH BENEFITS BY EITHER A DESIRE TO OBTAIN INCREASED POLITICAL INFLUENCE FOR ELECTED OR APPOINTED LOCAL OFFICIALS OR A DESIRE TO FAVOR LOCAL OFFICIALS' POLITICAL SUPPORTERS?

YES X NO       

- d. WAS THE PROVISION OF SUCH BENEFITS A SHAM USED BY DEFENDANTS AS A PRETEXT FOR JUSTIFYING THEIR RFP PROCESS?

YES        NO X

SPECIAL VERDICT NO. 15

- a. DOES THE RFP PROCESS RESULT IN "BETTER" CABLE TELEVISION SERVICE, IN TERMS OF THE SYSTEM'S TECHNOLOGY, CAPABILITIES AND CHANNEL CAPACITY, THAN WOULD BE ACHIEVED WITHOUT THE RFP PROCESS?

YES \_\_\_\_\_ NO X

- b. WAS "SYSTEM TECHNOLOGY, CAPABILITY AND CHANNEL CAPACITY" A SHAM USED BY DEFENDANTS AS A PRETEXT FOR JUSTIFYING THEIR RFP PROCESS?

YES \_\_\_\_\_ NO \_\_\_\_\_ NOT ANSWERED X

- a. DOES THE PUBLIC HAVE A SIGNIFICANT INTEREST IN THE FINANCIAL QUALIFICATIONS OR BACKGROUND OF ANY COMPANY CONSTRUCTING AND OPERATING A CABLE SYSTEM IN SACRAMENTO? (THE PUBLIC'S INTEREST IS SIGNIFICANT IF, AMONG OTHER THINGS, CONSUMERS WOULD RECEIVE REDUCED LEVELS OF CABLE SERVICES AND TECHNOLOGY IF GOVERNMENT DID NOT INQUIRE INTO THE FINANCIAL CAPABILITIES OF CABLE OPERATORS.)

YES X NO       

- b. IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES," DOES THE RFP PROCESS PROMOTE THIS INTEREST?

YES X NO       

- c. WAS "FINANCIAL QUALIFICATIONS" A SHAM USED BY DEFENDANTS AS A PRETEXT FOR JUSTIFYING THEIR RFP PROCESS?

YES        NO X

SPECIAL VERDICT NO. 17

- a. DOES THE PUBLIC HAVE A SIGNIFICANT INTEREST IN THE TECHNICAL QUALIFICATIONS OR BACKGROUND OF ANY COMPANY CONSTRUCTING OR OPERATING A CABLE TELEVISION SYSTEM IN SACRAMENTO? (THE PUBLIC'S INTEREST IS SIGNIFICANT IF, AMONG OTHER THINGS, CONSUMERS WOULD RECEIVE REDUCED LEVELS OF CABLE SERVICES AND TECHNOLOGY IF GOVERNMENT DID NOT INQUIRE INTO THE TECHNICAL CAPABILITIES OF CABLE OPERATORS.)

YES X NO       

- b. IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES," DOES THE RFP PROCESS PROMOTE THIS INTEREST?

YES        NO X

- c. WAS "TECHNICAL QUALIFICATIONS" A SHAM USED BY DEFENDANTS AS A PRETEXT FOR JUSTIFYING THEIR RFP PROCESS?

YES        NO X

SPECIAL VERDICT NO. 18

UNDER THE INSTRUCTIONS ON DAMAGES GIVEN TO YOU, WHAT  
AMOUNT OF DAMAGES, IF ANY, SHOULD BE AWARDED TO PLAINTIFF?

ANSWER "zero"

DATED:

Foreperson



# MetPro

## City ends cable TV monopoly

By Tim Grieve  
Bee Staff Writer

The City Council and the Board of Supervisors opened Sacramento's cable television market to free competition Monday in a last-ditch attempt to cut their losses in a \$150 million lawsuit.

In joint session, the council and the board voted unanimously to end Sacramento Cable Television's local monopoly and grant cable licenses to almost any firm applying for one.

The move came despite emotional pleas from local community groups and legal threats from Sacramento Cable Television officials, who said they will immediately prepare a "very substantial" breach of contract suit against the city and county.

Until now, Sacramento Cable Television has enjoyed a monopoly on the local cable market. In exchange for a Sacramento Metropolitan Cable Television Commission franchise, the company agreed to make cable service available to all county residents and to give millions of dollars to local community groups wishing to provide their own cable programming.

But the monopoly, the grants and universal cable service were all thrown into jeopardy Monday.

In an emergency meeting, the board and the council followed the advice of their attorneys in adopting separate — but identical — ordinances aimed at limiting damages in Pacific West Cable Co.'s \$150 million suit against the city and the county.

A hearing in the case is scheduled for this morning, and a final ruling is still pending. But several determinations by a fact-finding jury — including a ruling that Sacramento could support more than one cable company — have led government lawyers to believe their chances of winning the case are slim.

In a surprise move last week, commission attorney Brent Bleier suggested that the City Council and the Board of Supervisors allow open competition in the cable market in order to limit damages in the case and prevent chaos should the court deem Sacramento's cable franchise process illegal.

During a two-hour public meeting Monday, spokesmen for several local community groups who receive grants under the current franchise arrangement implored officials at least delay the ordinances.

Spokesmen for the elderly, the handicapped and minorities said the ordinances could free Sacramento Cable Television from its contractual obligation to provide service throughout the county, including low-income areas.

Richard Davis, the cable company president, said the ordinances would force the company to sue for "hundreds of millions of dollars in damages." Davis also said the ordinances would force his firm "to reconsider" its obligation to provide grants for community groups.

While acknowledging that the ordinances could jeopardize the community grants and universal service, Bleier said he was not concerned about the threats of legal action.

See CABLE, page B2

## Cable

Continued from page B1

"It was unjustified saber rattling by someone who thought they could brow-beat public officials," Bleier said. "I was appalled."

Council members and supervisors, however, were concerned enough about the threats to hold a 20-minute, closed-door session with their attorneys before voting.

But minutes after that session, the council members and supervisors said they had little choice but to adopt the ordinances.

"We didn't choose it this way," a frustrated Mayor Anne Rudin said just before the vote. "We're trying to cut our losses so the people of Sacramento don't have to pay an inordinate amount to extricate us from these circumstances."

Scene  
Editoria

# The Sacramento Union

Sacramento, California OLDEST DAILY IN THE WEST Tuesday, July 7, 1987



son, Mayor Anne Rudin and Supervisor Illa Collin.  
SCOTT SOMMERDORF/staff photos





# The Sacramento Bee

©1987 The Sacramento Bee

Volume 261

Sunday, July 19, 1987

• Founded 1857

## Selection of cable franchise tainted?

By Jim Mayer  
Bee Staff Writer

© Copyright 1987 The Sacramento Bee

A federal jury believed the political process for awarding a Sacramento cable television franchise in 1983 was tainted by the "influence peddling" of 73 prominent Sacramentoans, according to the jury's forewoman.

In early June, the jury issued a stack of special verdicts in which it found that awarding a single franchise to serve Sacramento was a "sham."

The case in question was a \$150 million law-

suit challenging the Sacramento Cable Commission's franchise process. Pacific West Cable Co., a joint venture of Sacramento developers Joe Benvenuti and Bruce Fite, sought the damages from the city and county.

Judith Mosier, forewoman of the six-member U.S. District Court jury, told The Bee that jurors made their decision primarily because of the role played by a group of investors known throughout the trial as "The Gang of 73."

In deciding the civil case, jurors were asked to answer several yes-or-no questions pro-

posed by the attorneys and approved by the judge. Among them:

- "Was 'natural monopoly' (the franchise process) ... a sham by defendants to obtain increased campaign contributions for local elected officials?"

The jury said yes. However, it is unclear from testimony how — or if — the process affected campaign contributions.

- "Were defendants (city and county) motivated to provide such benefits (public access to channels and grants) by either a desire to obtain increased political influence for elected or appointed local officials or a desire to

favor local officials' political supporters?"

The jury said yes.

"We felt the way the whole thing was written up was to exclude competition and it had to do with this Gang of 73 — and they got their share," Mosier said.

The "gang" is officially known as River City Cablevision, a minor partner with Scripps-Howard Broadcasting in the Sacramento Cable Television Co. In 1983, Sacramento Cable outbid three other companies to serve the city and county of Sacramento.

See CABLE, back page, A20

ATTACHMENT V

# Cable

Continued from page A1

The practice that troubled the jury has been a common one throughout the nation: Prominent local people from a variety of backgrounds team up with an established cable company to apply for a franchise. News accounts have frequently referred to the process as "rent-a-citizen."

It is not clear what River City Cablevision members were expected to do, but court testimony indicates that some of them lobbied city and county officials on behalf of the company.

The group is a collection of successful Sacramentans. Most of them invested \$2,000 in the company. Some invested nothing.

Each River City Cablevision member could realize a return in the mid-1990s of \$120,000 or more, according to Sacramento Cable Television's chief executive, Richard Davis.

The purpose of the group, according to River City Cablevision President Raymond T. Butler, was to represent "the pulse of Sacramento." For that, the 73 influential members share in 5 percent of the company.

But the jury decided River City Cablevision's purpose was to persuade the Sacramento Metropolitan Cable Television Commission — made up of City Council members and county supervisors — to award the franchise to their company.

"What do you want to call it? Influence peddling. ... It bothered everyone on the jury," said Mosier, an instrument mechanic at McClellan Air Force Base.

Butler — a former county planning commissioner, civil service commissioner and parks and recreation commissioner and a frequent contributor to political campaigns — found the jury's opinions "shocking."

"The idea of the group was diametrically opposite to that," Butler, an insurance executive. "It was metamorphically different. The idea behind the group was just the antithesis of what is being said by the jurors."

licit bids from companies, Farrow said. "It comes down to ... pure local politics."

Farrow said the purpose of such investment groups is to deliver votes.

"The general assumption is if you see two insurance policies and you can't understand either one, you are going to buy the one from a friend you know and trust," Farrow said. "And that's what the rent-a-citizen process recognizes: He who has the most and richest rented citizens wins."

Farrow, however, said he has never seen a group as large as that assembled by River City Cablevision.

"There were an extraordinary number of honorary people who took part who didn't know what was going on," Farrow said. "The goals of many of these people were totally honorable goals and they were looking for the community benefits at the time."

"What they were missing — and what no one brought to their attention — was the philosophy that the end justifies the means."

The names of some group members were apparently used initially without their permission. For example, former county superintendent of schools Leo Palmiter didn't agree to join River City Cablevision until two months after the franchise was awarded with Palmiter listed as a "prospective stockholder/owner," according to court documents.

The Bee was able to reach 20 of the 73 members of River City Cablevision. Some said they got involved for what they believed was a community service. Some said they received free shares in Sacramento Cable.

"The strange part about the whole thing as far as I'm concerned is I never invested a single penny in it," said Al Caples, retired business manager of the Building and Trades Council in Sacramento. "I've brought it to their attention two or three times, saying, 'When am I supposed to put up my share?' And they never notify me."

According to Davis, in 10 years Caples' share could be worth \$120,000. That is if Sacramento Cable manages to fend off competition in the marketplace; Sacramento develops as planned; and the cable industry as a whole meets projections.

## River City Cablevision Investors

Here are the 73 investors in River City Cablevision, a minor partner in Sacramento Cable Television, as listed in court testimony and depositions.

1. Carlton Z. Adams, doctor.
2. Fred Anderson, former SMUD board member and businessman.
3. Olga Batey, retired teacher active in League of Women Voters.
4. Richard Benvenuti, developer.
5. Judith Bramson, Sacramento County Services Council.
6. Carroll Brock, retired homebuilder.
7. Roy Brophy, developer, homebuilder, former chairman of California State University board and now a regent for the University of California.
8. Dick Buhler, Buhler Mortgage.
9. Raymond T. Butler, insurance executive, former planning commissioner.
10. Thomas Campbell, former executive of Sacramento County.
11. Verna Canson, National Association for the Advancement of Colored People.
12. Al Caples, retired manager of the Business and Trades Council of Sacramento.
13. Michael Deaver, former White House aide.
14. Shirley Carter, KXPR radio community advisory board.
15. Jack Chew, insurance executive.
16. Nathaniel Coley Sr., attorney and former member of state Board of

**ENDORSED**

JAN 28 1986

JOYCE RUSSELL SMITH, CLERK  
By S. MORITA, Deputy

FARROW, SCHILDHAUSE & RAINS  
Including A Professional Corporation  
Harold R. Farrow  
Robert M. Bramson  
James J. McBride  
401 Grand Avenue, Suite 200  
Oakland, California 94610  
(415) 839-4500

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SACRAMENTO

PACIFIC WEST CABLE COMPANY,  
a partnership;

Plaintiff,

v.

CITY OF FOLSOM, CITY OF GALT,  
CITY OF SACRAMENTO, CALIFORNIA,  
all municipal corporations  
COUNTY OF SACRAMENTO, CALIFORNIA,  
a California County;  
SACRAMENTO CABLE TELEVISION,  
a general partnership; SCRIPPS-  
HOWARD CABLE COMPANY OF  
SACRAMENTO, a  
corporation wholly owned by  
Scripps-Howard Broadcasting  
Company, a corporation; SACRAMENTO  
METROPOLITAN CABLE TELEVISION  
COMMISSION, an entity holding  
itself out as a public agency  
ROBERT SMITH; RICHARD DAVIS and  
DOES 1 through 100

Defendants.

No.

334798  
COMPLAINT

Plaintiff Pacific West Cable Company ("Pac West")  
brings this action against defendants and alleges as follows:  
1. Plaintiff is a general partnership, organized in  
and doing business under the laws of the State of California.

ATTACHMENT VI



1                   2. Defendants City of Sacramento, City of Folsom,  
2 City of Galt (collectively "Cities") and County of Sacramento  
3 ("County") are municipal corporations organized and existing  
4 under the laws of the State of California. Plaintiff is  
5 informed and believes that defendant Sacramento Metropolitan  
6 Cable Television Commission ("Commission") is an entity  
7 claiming to be a joint powers agency and which is an agent of  
8 the defendant Cities and defendant County. Defendant Robert  
9 Smith is the chief executive officer of defendant Commission.  
10 Defendant Sacramento Cable Television is a general partnership  
11 by and between, among others, River City Cablevision, Inc., a  
12 corporation, and Scripps-Howard Cable Company of Sacramento, a  
13 corporation wholly owned by Scripps-Howard Broadcasting  
14 Company, an Ohio corporation. Defendant Richard Davis is the  
15 general manager of defendant Sacramento Cable Television.

16                   3. Plaintiff has timely presented defendant Cities,  
17 Counties, and said Commission and Smith with claims for damages  
18 caused by the tortious actions or omissions alleged herein in  
19 substantial compliance with the requirements of Sections 900 et  
20 seq. of the California Government Code.

21                   4. Does 1 through 100 are persons whose true names  
22 and identities are presently unknown to plaintiff and who are  
23 therefore sued by such fictitious names. Plaintiff asks leave  
24 of this court to amend its complaint to show the true names and  
25 capacities of Does 1 through 100 when the same have been  
26 ascertained. Each of the fictitiously named defendants is  
27 responsible in some manner for the matters alleged in this  
28 complaint and is jointly and severally liable to plaintiff